

BACKGROUND INFORMATION ON FREEDOM ELECTIONS
ALABAMA

MAY 3RD, 1966

The laws of Alabama provide for the starting of new political parties. Title 17, section 337 says: "An assemblage or organization of electors which, at the general election for state and county officers then next preceding the primary, cast more than twenty percent of the entire vote cast in any county is hereby declared to be a political party within the meaning of this chapter within such county..."

Thus the law implies that there is a way of getting new party candidates on the general election ballot, in order that the twenty percent requirement may be fulfilled. (It is a general rule of judicial interpretation of legislation that legislatures do not enact laws frivolously or capriciously--hence the implication that, if an organization of electors can qualify as a party only by getting a certain proportion of votes for its candidates, that legislature must have provided a way of getting the candidates on the general election ballot.)

Here is where the difficulty is evidenced. Section 145 of Alabama code states: "The probate judge of each county shall cause to be printed on the ballots to be used in their respective counties, the names of all the candidates who have been put in nomination by any caucus, convention, mass meeting, primary election or other assembly of any political party or faction in this state, and certified in writing and filed with him not less than sixty days previous to the day of the election."

Sections 413 and 414 of the Alabama code provide that such mass meeting shall be held on the second Tuesday in May at or in the immediate vicinity of a polling place in the county.

Thus it would seem clear that the law provides this nomination by mass meeting as a way of getting the new party candidates on the general election ballot and enabling the new party to qualify by getting twenty percent or more of the vote.

However, section 145 also provides for the nomination of "independent" candidates by petition of twenty five voters. Some lawyers think the provisions for mass meetings refer only to already qualified political parties, and that the laws intend new parties to get their candidates on the general election ballot through the petition procedure.

There is absolutely no way of determining beforehand which would be an acceptable procedure--particularly since the acceptability of the procedure chosen will be ruled upon by what we can only anticipate will be a hostile court.

It appears, therefore, that the only safe way of proceeding is to nominate candidates by both methods and see which one sticks.

However, it is important to keep in mind that the Lowndes county freedom organization at no time intends to nominate candidates who are independent in the sense that they have no connection with a political organization. The independent nominations will be made only because there is no way of determining beforehand whether an Alabama court will rule that this is the appropriate procedure for new party candidates.

On Monday, May 2 nominating petitions will be filed with Lowndes county probate Judge Harrell Hammond, nominating 13 candidates to various county offices (The law requires that the petitions be filed before the first tuesday in May.) All person who have declared themselves candidates dfor the seven county positions open will file as independent candidates. In the mass meeting on May 3, seven of these candidates will be nominated by the Lowndes County Freed Organization for the seven office being sought. At the appropriate time the other six candidates will withdraw from the race.

It is assused that sometime between May 3rd and September 8 some determination can be reached about which way the candidates should have been nominated so they can appear under the black panther on the general election ballot. This will doubtless involve litigation of some kind, but just what kind it is impossible to determine at this time.

The following two letters have been sent today, April 27:

Mr. Jhon Doar, Asst. Atty. Gen.
Civil Rights Division
U.S. kDepartment of Justice
Washington, D.C.

Dear Mr. Doar:

On Tuesday, April 26, Mr. John Hulett, President of the Lowndes County Freedom Organization, Mrs. Lillian McGill, Member of the Executive Committee of the LCFO, Mrs. Willie M. Strickland, Candidate for Lowndes County Board of Education and Mrs. Alice Moore, Candidate for Lowndes County Tax Assessor, called upon Lowndes County Shæriff Ryals to inform him of their intention to implement the provisions of Title 17, sections 145, 413 and 414, Alabama Code, to nominate candidates of the Lowndes County Freedom Or ganization for places on the November general election ballot.

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Sheriff Ryals informed the representatives of the LCFO that they would be unable to hold their nominating mass meeting in the vacant space adjacent to the Lowndes County Courthouse because the meeting would "cause too much confusions."

To the best of our knowledge and belief, and upon the advice of counsel, the mass meeting is a procedure provided for in the statutes of Alabama for the nomination of candidates but such meeting, in order to be effective, must be held in or near the County Courthouse on May 3. Under the foregoing circumstances we have no choice but to hold the meeting at the place indicated and we intend to do so.

Since Sheriff Ryals has put the LCFO on notice that he will not permit holding the mass meeting, we feel the responsibility for providing such protection as will permit the orderly and uninterrupted conduct of the mass meeting without undue physical danger for the participants revolves upon the U.S. Justice Department. We would appreciate hearing from you at your earliest possible convenience as to what protection the U.S. government will furnish.

If we do not hear from you, or if the U.S. Government does not find itself able to protect the participants in the mass meeting we shall be forced to look to such resources as we can muster on our own to provide such protection.

Very Truly Yours

Stokley Carmichael

Lowndes County Board of Revenue
Probate Judge Harrell Hammond
Sheriff Ryals:

A newly formed organization, the Lowndes County Freedom Organization, is seeking political power in Lowndes County in accordance with section 414 of the Alabama code. We would like to hold the meeting on the lawn in front of the courthouse. In case of inclement weather, we would like to hold it in the Courthouse upstairs.

We are trying to obey the laws set by Alabamians. We hope you do the same.

Thanking you in advance.

John Hulett, Chmn.
Lowndes Cty. F.O.